

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 124 of 1997

in

SPECIAL CIVIL APPLICATION No 8009 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER
and
MISS JUSTICE R.M.DOSHIT

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
1 TO 5 NO

BILESHWAR KAND UDYOG KHEDUT SAHAKARI MANDLI LTD.

Versus

ANILKUMAR R MEHTA

Appearance:

NANAVATY ADVOCATES for Petitioner
MR TR MISHRA for Respondent No. 1
SERVED for Respondent No. 2
MR DA BAMBHANIA for Respondent No. 3

CORAM : MR.JUSTICE C.K.THAKKER and
MISS JUSTICE R.M.DOSHIT
Date of decision: 23/10/97

ORAL JUDGEMENT

This appeal is filed against the order passed by the learned Single Judge in Special Civil Application No. 8009 of 1997, decided on 10th January, 1997. By the said order, the learned Single Judge dismissed the petition filed against the order below Ex.7. The said application was made before the Labour Court, Rajkot. It appears that about 783 Recovery Applications being Recovery Applications Nos. 199/96 to 981/96 were filed by employees of the appellant Co-operative Society. A prayer was made to consolidate all these applications. In spite of the objections being raised by the appellant, those applications were ordered to be consolidated. The applications are pending and they will be heard in accordance with law. Being aggrieved by the order of consolidation of applications, the appellant filed the above petition. The learned Single Judge felt that all objections which were raised against the maintainability and/or otherwise of the applications can be decided at the time of hearing of the applications. But so far as the consolidation of applications is concerned, it could not be said that the Labour Court had no jurisdiction to pass such order or that the order was otherwise illegal or improper. He, therefore, dismissed the petition.

Mr. Nanavati, learned Senior Advocate contended that the Recovery Applications themselves were not maintainable. For that, he contended that the relations between the parties are governed by the Bombay Industrial Relations Act, 1946 and not by Industrial Disputes Act, 1947. If it is so, argument proceeded that the applications under the Industrial Disputes Act, 1947 were not maintainable. In our opinion, learned Single Judge was right in observing that such contention can be raised at the time of hearing of the applications. In our view, the learned Single Judge was right in dismissing the petition holding that so far as the order of consolidation of applications is concerned, it can not be said to be illegal. We, therefore, do not see any reason to interfere with the said order. Letters Patent Appeal deserves to be dismissed and is accordingly dismissed. No order as to costs. We may say that we are not expressing anything on merits and above order is without prejudice to the rights and contentions of all the parties.

(MS. R.M.DOSHIT J)

JOSHI